

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SANTA CLARITA VALLEY WATER AGENCY,

Case No. 2:18-cv-06825-SB-RAOx

Plaintiff,

JUDGMENT

V.

WHITTAKER CORPORATION and
DOES 1-10, inclusive,

Defendants.

Pursuant to the jury's verdict, Dkt. No. 475, and the Court's ruling on the Motion for Judgment as a Matter of Law (JMOL), Dkt. No. 523, it is ORDERED AND ADJUDGED that:

1. Judgment is entered in favor of Plaintiff Santa Clarita Valley Water Agency and against Defendant Whittaker Corporation on Plaintiff's claims for negligence and public nuisance in the amount of \$7 million in past damages and \$68.3 million in reasonable restoration or repair costs (subject to offset as stated below);

2. The judgment in favor of Plaintiff in the total amount of \$75.3 million is reduced by (a) \$2.9 million for the settlement payment Plaintiff received from Saugus Industrial Center, LLC (SIC) (as an offset), Dkt. No. 248, and (b) \$7.53 million for the 10% fault allocation made by the jury (as an offset);¹ and

¹ The jury assigned the following percentage of fault on Plaintiff's negligence claim: 60% for Defendant; 30% for SIC; and 10% for Plaintiff. The offset for SIC, however,

1 3. Plaintiff is awarded prejudgment interest on its negligence and public
2 nuisance claims in the amount of \$363,318.09 and an additional amount of
3 \$131,383.63 for the post-verdict period (December 3, 2021 to June 27, 2022 at a rate
4 of 7%).

5 4. Judgment is entered in favor of Defendant and against Plaintiff on
6 Plaintiff's claims for private nuisance and trespass pursuant to the JMOL.

7 For the reasons set forth in the Court's separate Findings of Fact and
8 Conclusions of Law, Dkt. No. 524, it is further ORDERED AND ADJUDGED that:

9 1. Plaintiff is entitled to judgment on its CERCLA cost recovery claim
10 under 42 U.S.C. § 9607(a) and its HSAA claim under Cal. Health & Safety Code §
11 25300 et seq. for its investigation, permitting, and design (IPD) costs only;

12 2. The judgment on Plaintiff's cost recovery claim for IPD costs is subject
13 to equitable allocation on Defendant's counterclaims for contribution under CERCLA,
14 42 U.S.C. § 9613(f)(1), HSAA, and Cal. Health & Safety Code § 25363 as follows:
15 90% to Defendant and 10% to Plaintiff;

16 3. Judgment is entered in favor of Plaintiff and against Defendant for
17 Plaintiff's IPD costs in the net amount of \$607,500, calculated as follows: \$675,000
18 (total amount) minus \$67,500 (10% offset).

19 4. Plaintiff is to take nothing on its claims for declaratory relief under
20 CERCLA, 42 U.S.C. § 9613(g) and 28 U.S.C. §§ 2201-2202 and for injunctive relief
21 under the Resource, Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.;

22 5. Judgment is entered in favor of Plaintiff and against Defendant on
23 Defendant's claims for equitable indemnification and for a declaratory judgment
24 under federal law (42 U.S.C. § 9613(g)(2) and 28 U.S.C. §§ 2201-2202) and state law
25 to the extent that Defendant sought to shift all liability to Plaintiff; and

26 The Court thus calculates the damages award against Defendant as follows:

27
28 is not made on a pro rata basis in light of this Court's prior ruling. Dkt. No. 248.

Jury Verdict

\$75,300,000 (\$7,000,000 + \$68,300,000)

- \$7,530,000 (10% of \$75,300,000)

- \$2,900,000 (pro tanto offset for SIC settlement)

= \$64,870,000

Findings of Fact and Conclusions of Law

\$64,870,000

+ \$607,500

= \$65,477,500

Prejudgment Interest

\$65,477,500

+ \$494,701.72

= \$65,972,201.72

* * *

Accordingly, Plaintiff shall recover from Defendant a judgment in the amount of \$65,972,201.72, plus post-judgment interest pursuant to 28 U.S.C. § 1961(a) at the rate of 2.83% per annum, at a daily rate of \$5,115.066.19. The Court reserves ruling on any proper request for post-judgment fees, costs, etc.

This is a Final Judgment.

Dated: June 28, 2022

STANLEY BLUMENFELD, JR.
UNITED STATES DISTRICT JUDGE